

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

MARK ANTHONY PALZER,

Plaintiff,

v.

Case No. 15-cv-564-GKF-JFJ

COXCOM, LLC,

Defendant.

**DEFENDANT’S MOTION TO STAY DEADLINE
TO FILE ITS REPLY IN SUPPORT OF SUMMARY JUDGMENT**

Defendant CoxCom, LLC (“Cox”) respectfully moves the Court to enter an Order staying the deadline for Cox to file its Reply in Support of Summary Judgment, to be reset by Order of the Court upon the resolution of certain pending motions. In support of its Motion to Stay, Cox provides the following good cause.

1. On November 14, 2018, the Court entered a Minute Order (Doc. 142) striking the remaining deadlines included in the Fourth Amended Scheduling Order (Doc. 101), in light of Cox’s Motion to Strike Plaintiff’s Response to Defendant’s Motion for Summary Judgment (Doc. 141), and Plaintiff’s Objection to Magistrate’s Order Denying Motion to Compel Compliance with Fed. R. Civ. P. 30(b)(6) (Doc. 126), with the remaining deadlines and dispositive motion deadline to be reset by a forthcoming order of the Court upon resolution of the two motions.

2. On October 9, 2018, the Court granted Plaintiff additional time, until October 19, 2018, to file his response to Cox’s September 18, 2018, Motion for Summary Judgment (Doc. 114). *See* Minute Order, (Doc. 125). In the same Order, the Court directed Cox to thereafter file its Reply brief on or before November 2, 2018. *Id.*

3. On Friday, October 19, 2018, Plaintiff filed an unopposed Application for

Additional Enlargement of Deadline for Responding to Defendant's Motion for Summary Judgment, seeking one (1) additional day. (Doc. 128). On Monday, October 22, 2018, the Court granted Plaintiff's Application. *See* Minute Order. (Doc. 129).

4. Plaintiff did not file his Response to Cox's Motion for Summary Judgment until October 31, 2018, (Doc. 135), leaving Cox with only two days—until November 2, 2018—to file its Reply by the deadline set when Plaintiff's Response was due by October 19, 2018. (Doc. 125). Accordingly, on November 2, 2018, Cox moved the Court to reset its Reply deadline to November 19, 2018, (Doc. 137), which the Court granted. *See* November 2, 2018, Minute Order (Doc. 138).

5. On November 9, 2018, Plaintiff filed—without leave—additional supplemental pleadings to allegedly “correct” “certain typographical omissions and errors” in his Response, (Doc. 139), and added six (6) exhibits to “correct[] the omission” of the exhibits from his Response (Doc. 140).

6. On November 13, 2018, Cox filed its Motion to Strike Plaintiff's Response to Defendant's Motion for Summary Judgment (Doc. 141), to include Plaintiff's November 9, 2018, supplemental filings.

7. In light of the Court's Minute Order striking the deadlines to, in part, rule on Cox's Motion to Strike, Cox believes justice would be served by a stay of its Reply deadline, to be reset, if necessary, by Order of the Court upon the resolution of the Motion to Strike and Plaintiff's Objection to Magistrate Order (Docs. 141 and 126, respectively). As an alternative, Cox requests the Court to reset the Reply deadline in light of Plaintiff's unauthorized supplemental filing of additional exhibits and substitute briefing pages on November 9, 2018.

Dated: November 14, 2018

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT,
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher L. Camp

ATTORNEY FOR PLAINTIFF

s/Keith A. Wilkes

Keith A. Wilkes

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